

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 11/21/17

UNITED STATES OF AMERICA

-v-

JUNIOR R. VENTURA,

Defendant.

No. 13 Cr. 658-01 (RA)

OPINION

RONNIE ABRAMS, United States District Judge:

On August 28, 2013, Defendant Junior R. Ventura (“Defendant”) pleaded guilty to conspiracy to distribute narcotics, in violation of 21 U.S.C. § 846. Dkts. 12, 20. Defendant’s sentencing guidelines range was 87 to 108 months’ imprisonment, based on an offense level of 29 and a criminal history category of I. Dkt. 22 at 11. On February 4, 2014, this Court granted a downward variance pursuant to 18 U.S.C. § 3553(a) and sentenced Defendant to 60 months’ imprisonment and three years of supervised release. *Id.* at 21.

On August 19, 2015, and again on August 18, 2016, Defendant filed *pro se* motions for a reduction of his sentence based on Amendment 782 to the U.S. Sentencing Guidelines, pursuant to 18 U.S.C. § 3582(c)(2). Dkts. 24, 25. “Amendment 782 to the Sentencing Guidelines generally reduced the offense levels for drug offenses by two levels . . .” *United States v. Karkenny*, 79 F. Supp. 3d 494, 495 (S.D.N.Y. 2015). Under Amendment 782, Defendant’s offense level would be 27, yielding a guidelines range of 70 to 87 months’ imprisonment.

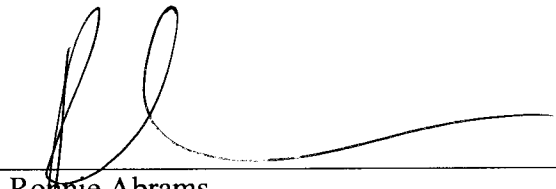
A sentence reduction can only be granted, however, “if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission,” 18 U.S.C. § 3582(c)(2), and

one such policy statement provides that “the court shall not reduce the defendant’s term of imprisonment . . . to a term that is less than the minimum of the amended guideline range,” U.S.S.G. § 1B1.10(b)(2)(A). Because Defendant’s original sentence of 60 months’ imprisonment is less than the amended guidelines range of 70 to 87 months’ imprisonment, Defendant is ineligible for a sentence reduction under Amendment 782. *See, e.g., United States v. Smith*, 633 F. App’x 66, 68 (2d. Cir. 2016); *United States v. Thompson*, 639 F. App’x 39, 41 (2d Cir. 2016); *United States v. Posada*, 206 F. Supp. 3d 866, 868–69 (S.D.N.Y. 2016); *Karkenny*, 79 F. Supp. 3d at 495.

The Clerk of Court is respectfully requested to close the motions pending at Dkts. 24 and 25.

SO ORDERED.

Dated: November 21, 2017  
New York, New York



---

Ronnie Abrams  
United States District Judge